M.R.O. 1—77,006—8-6-37.

(1) Number of pages ____________

(2) Date of repair ____________

(3) Initials of the Referencer ____________

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 457	Press / Mis.
384-385	
Dated 21-2-	1863.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
23rd September 1872.

Read the following papers :—

No. 323. Endorsement of the Superintending Engineer, 8th Division, dated Tirumungalum, 8th August 1872, No. 2,233.

From the Executive Engineer in charge of Dindigul Range, to the Superintending Engineer, 8th Division, dated Periacolum, 30th July 1872, No. 261.

I HAVE the honour to enclose a travelling allowance bill for Rupees 20-8-0, which I request you will be so good as to forward to Government for consideration with this letter.

2. The first two items were included in my travelling allowance bill for May, and struck out by you for the reasons stated in your memorandum No. 1,366 of the 26th ultimo.

3. The third item was included in my bill for June, and appears to have been passed by you and struck out by the Controller.

4. In explanation of these charges I beg to offer the following remarks :—

5. On the 25th May I was at Pulney, and I had, in obedience to instructions from your Office, to inspect certain anicuts on the tributaries of the Shunmuga Nuddee, one of which was in the jungle at the foot of the Pulney Hills, about 11 miles from Pulney.

6. Now, if I had camped at this spot (Iyempully), I should have wasted a whole day, as there was nothing else to do in the neighbourhood, to say nothing of the prospect of myself and the people with me being laid up with fever from remaining in such a place in the middle of May.

7. On the 27th I inspected the "Paumben and Palghaut" road from Pulney to the boundary of the district, and there was nothing whatever to be done in the neighbourhood or on that side of Pulney, whereas there was a good deal that required attention to the north and east of the taluq.

8. I consider therefore that in each of these instances it was much better that I should return to Pulney in order to be ready for other work the next day, than that I should take two days (going and returning) over what could be done in one.

9. The third journey, on the 2nd June, was made in consequence of the receipt of a memorandum* from your Office, forwarding a letter from the Collector to the effect that the Taluq Cutcherry at Periacolum was in a highly dangerous condition, as, indeed, it certainly was, and I considered it my duty to go down to Periacolum at once to take steps to ensure its safety; perhaps I was wrong, but I am pretty sure that if I had delayed a day and any accident had happened in consequence, Government would not have hesitated to hold me responsible for the same.

* No. 861 of 28th May.

10. Concerning this last journey I have only to remark further that if a report by the head of a department that a building in the occupation of one of his subordinates is in a highly dangerous condition does not constitute an "extraordinary emergency," it is difficult to say what does.

11. But with regard to the other two the case is rather different. There was nothing in either instance to be called an "emergency", but the question I had

to ask myself was simply whether it was more for the public interests that I should make the double journey in one day, or that I should take two days over it. I decided on the former course, and still believe that I was right in so doing.

12. This range has an area of over 3,000 square miles, and contains upwards of 300 miles of road maintained or under execution by this department, besides an enormous number of small irrigation-works. It is nearly 120 miles in length from north-east to south-west, and about 80 from north-west to south-east, and will be shortly increased about a third by the addition of another taluq. Government lay the greatest stress on the frequent inspection of works by Range Officers, and it becomes necessary for me to arrange my movements so as to get over as much ground as possible in the course of each month. How far these movements have been judicious you are able to judge.

13. No doubt it can very rarely happen that a journey of over 20 miles in a day can be necessary (if only because it is not easy to find a length of 20 miles without work of some kind in progress); but now and then such cases do occur, and I maintain that an officer in my position may reasonably be allowed some discretion, and that where he conscientiously believes a journey of over 20 miles to be advisable on public grounds, he ought not to be restrained from making it by any considerations about "extraordinary emergencies".

14. Of course, it may be said that such a discretion is liable to be abused; but that is an argument which I decline to take into consideration.

15. Observe that I am not claiming any uncontrolled discretion. I am quite ready to accept the Superintending Engineer's decision as to the propriety of any particular journey, and in the special cases under consideration, if the charge had been struck out by you on the ground that the journeys were unnecessary or injudicious, I should never have questioned the decision for a moment. Your memorandum above referred to showed that this was not the case, and that the correction was made in obedience to a rule, which rule, I think, acts, or is likely sometimes to act prejudicially to the public interest.

16. I hope it will be understood that I have nothing to gain personally by the acceptance of the principle for which I am contending. If the Government decide that the very modified discretion which I ask for is not allowable, I shall probably be able to reduce my travelling expenses to an extent which will much more than counterbalance the trifling amount of travelling allowance at issue. Whether the public service will gain in the same proportion is another question, but such a decision as I am contemplating implies that I am not competent to form an opinion on that point.

FORWARDED for the favourable consideration and orders of Government.

1 Copy of Memorandum.
1 Travelling Allowance Bill.

2. A copy of the undersigned's memorandum quoted by Captain Pennycuick, R.E., is forwarded for information.

3. The rules regarding mileage are so stringent that the Superintending Engineer is almost powerless to exercise any discretion in the matter, as even

what he may pass is almost sure to be cut by the Controller. A certain amount of relaxation of these rules would, in the undersigned's opinion, tend to the advantage of the service.

(Signed) R. A. ROBERTS, Lieut.-Colonel, R.E.,
Superintending Engineer, 8th Division.

REFERRED to the Controller of Public Works Accounts for report.

OOTACAMUND,
16*th August* 1872.

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government, P.W.D.

No. 324. From the Officiating Controller of Public Works Accounts, to the Secretary to Government, Public Works Department, dated Fort St. George, 20th August 1872, No. 1,093.

WITH reference to your endorsement on the accompanying papers from the Superintending Engineer of the 8th Division, I have the honour to state that, under the orders of Government, communicated in Proceedings Nos. 482 and 1,141 of the 17th February and 22nd April 1871, mileage is admissible to the Executive Officers of the department only for such journeys exceeding 20 miles per day as may be made under exceptional circumstances, or under the most urgent necessity.

1 Letter and one Memorandum.
1 Bill.
2 Inspection Reports for May and June 1872.

2. The three claims now preferred by Captain Pennycuick were disallowed by the Superintending Engineer of the 8th Division prior to the submission of the Bills to this Office, and the former officer is mistaken in supposing that his claim to mileage for the 2nd June 1872 was objected to by the Controller. Had the charges been approved by the Superintending Engineer and the bills transmitted *with information,* similar to that now supplied by Captain Pennycuick, of the necessity of each journey, mileage for the 25th May and 2nd June would have been passed, as the forced march on the former date appears to have been undertaken under exceptional circumstances, and there seems to have been an urgent necessity for that made on the latter date.

3. The journey of the 27th May 1872 appears to have been of an ordinary character, and having in view the ruling of Government that journeys undertaken for the purposes of ordinary inspections do not entitle to mileage, I am of opinion that Captain Pennycuick's claim for that date is inadmissible.

Vide the two orders of Government quoted in paragraph 1 and Nos. 339 and 941 of the 29th January and 20th March 1866.

4. I enclose for reference Captain Pennycuick's Inspection Reports for May and June 1872.

5. Adverting to paragraph 3 of Colonel Robert's endorsement on Captain Pennycuick's letter, I have to observe that the action of this Office in accepting or disallowing claims to travelling allowance or mileage is guided by the rules and orders of Government issued from time to time. When charges are disallowed, which the Superintending Engineer considers should be passed, an appeal to Government is always open to that officer. Colonel Roberts's remark would seem

to imply that the "cutting" was effected according to the personal views of the Controller, while I may safely say that such is not the case.

No. 325. ORDER THEREON, 23rd September 1872, No. 2,256.

ESTABLISHMENT, No. 25.

HIS Excellency the Governor in Council remarks that it was under a misconception of the spirit of former rulings, as pointed out by the Controller, that the Superintending Engineer, 8th Division, disallowed Captain Pennycuick's claim for mileage on two out of the three occasions in question, and though the Controller is doubtful as to the third, His Excellency is of opinion that it may also be passed.

2. And to obviate further controversy on this subject, he directs, in supersession of all former rulings on this subject, that all claims for mileage be passed by the Controller on certificate from Superintending or District Engineers that they have examined into each claim, and are satisfied that the journey has been performed for the benefit of the public service.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, 8th Division.
,, all other Superintending Engineers.
,, the Controller of Public Works Accounts.
,, Major R. B. Kennedy.

Exd. F. R. Bantleman.

Read the folly
P 5/1

N.D. Endo: heading

Executive Engineer's Office
Camp Pariacolum

No. 261.

30th July 1872.

From, The Executive Engineer
In charge of Dindigul Range

To, The Superintending Engineer
8th Division.

Sir,

I have the honor to enclose a travelling allowance Bill for Rs 20-8-0, which I request you will be so good as to forward to Government for consideration with this letter.

Enclosure: 1 Travelling allowance Bill.

2. The first two items were included in my travelling allowance bill for May and struck out by you for the reasons stated in your Memo No. 1366 of the 26th Ultimo.

3. The third item was included in my bill for June and appears to have been passed by you and struck out by the

the Controller.—

4. In explanation of these charges I beg to offer the following remarks.—

5. On the 25th May I was at Pulney, and I had, in obedience to instructions from your office to inspect certain anicuts on the tributaries of the Shunmuga Nuddee, one of which was in the jungle at the foot of the Pulney Hills, about 11 miles from Pulney.—

6. Now if I had camped at this spot (Iyempully) I should have wasted a whole day, as there was nothing else to do in the neighbourhood, to say nothing of the prospect of myself and the people with me being laid up with fever from remaining in such a place in the middle of May.—

7. On the 27 I inspected the "Paumben and Palghât" road from Pulney to the

boundary

7/ 02

boundary of the district, and there was nothing whatever to be done in the neighbourhood, or on that side of Pulney, whereas there was a good deal that required attention to the North and East of the Talug.—

8. I consider therefore that in each of these instances it was much better that I should return to Pulney, in order to be ready for other work the next day, than that I should take two days (going and returning) over what could be done in one.—

9. The third journey, on the 2nd June? July was made in consequence of the re:ceipt of a Memo* from your Office for:warding a letter from the Collector to the effect that the talook Cutcherry at Pereas:colum was in a highly dangerous con:dition, as indeed it certainly was, and

* No. 861 of 28th May.

I

I considered it my duty to go down to Pereacolum at once to take steps to en:sure its safety; perhaps I was wrong, but I am pretty sure that if I had delayed a day and any accident had happened in consequence, Government would not have hesitated to hold me responsible for the same.—

10. Concerning this last journey I have only to remark further that if a report by the head of a department that a building in the occupation of one of his subordinates is in a highly dangerous condition does not constitute an "extra-ordinary emergency", it is diffi:cult to say what does.—

11. But with regard to the other two, the case is rather different. There was nothing in either instance to be called an "emergency". but the question

I had to ask myself was simply whether it was more for the public interests that I should make the double journey in one day, or that I should take two days over it. I decided on the former course, and still believe that I was right in so doing.—

12. This range has an area of over 3000 square miles and contains upwards of 300 miles of road maintained or under execution by this department, besides an enormous number of small irri:gation works. It is nearly 120 miles in length from North East to Southwest, and about 80 from North West to South East and will be shortly increased about a third by the addition of another taluq. Government lay the greatest stress on the frequent inspection of

works

works by Range Officers, and it becomes necessary for me to arrange my move:
:ments so as to get over as much ground as possible in the course of each month.— How far these movements have been judicious, you are able to judge.—

13. No doubt it can very rarely happen that a journey of over 20 miles in a day can be necessary, (if only because it is not easy to find a length of 20 Miles without work of some kind in progress) but now and then such cases do occur, and I maintain that an officer in my position may reason:
:ably be allowed some discretion, and that where he conscientiously believes a journey of over 20 miles to be advisable on public grounds, he ought not to be restrained from making it by any con:

sideration

11/ 64

:siderations about "extraordinary emergency"

14. Of course it may be said that such a discretion is liable to be abused; but that is an argument which I decline to take into consideration.—

15. Observe that I am not claiming any uncontrolled discretion. I am quite ready to accept the superintending Engineer's decision as to the propriety of any particular journey, and in the special cases under consideration, if the charge had been struck out by you on the ground that the journeys were unnecessary or injudicious I should never have questioned the decision for a moment. Your Memo: above referred to showed that this was not the case, and that the correction was made in obedience to a rule, which rule I think acts

on

or is likely sometimes to act, prejudi:
:cially to the public interest.—

16. I hope it will be understood that I have nothing to gain person:ally by the acceptance of the principle for which I am contending. If the Government decide that the very modified discretion which I ask for is not allowable, I shall probably be able to reduce my travelling expenses to an extent which will much more than counterbalance the trifling amount of travelling allowance at issue. Whether the public Service will gain in the same proportion is another question—but such a decision as I am contemplating implies that I am not competent to form an opinion on that point.—

I have &c.a
(Signed) John Pennycuick Capt. R.E.
Executive Engineer in charge of
Dindigul Range.

P 13 5

(True Copy)

No. 2233

Forwarded for the favorable consideration and orders of Government.

2. A copy of the undersigned's Memo quoted by Captain Pennycuick R.E. is forwarded for information.—

Enclosure: 2
1 Copy of Memo.
1 Travelling allowance bill

3. The rules regarding mileage are so stringent that the Superintending Engineer is almost powerless to exercise any discretion in the matter, as even what he may pass is almost sure to be cut by the Controller. A certain amount of relaxation of these rules would in the undersigned's opinion tend to the advantage of the service.—

Camp Tiroomungalum
8th August 1872.

Richd. R. Roberts Lieut. Col. R.E.
Superintg. Engineer 8th Dn.

Compd.
C Thirodinapoonny[illegible]

Enroned 920 [illegible]

P.W. 1872 Depart.

No 2233.

From No 3894.

The Supg Engineer 8th Dn

To

The Secretary to Government DPW

ACCTS. CONTR. & AUDITOR OF P.W. AU 17

Dated 8 Augt 1872
Received 12 —

Encl: 2. P.W. 4061/72.

Forwards for favorable consideration copy of a letter from Captn Pennycuick RE requesting to forward to Govt. his Supl. Travelling allowance bill.

No 2235 - 23d Sept/72
Referred.

Referred to the Controller of P.W. Accounts for report.

G.M. Walker Col. R.E.
Secy: to Govt. P.W.D.
Ootacamund
16 Aug/72

No 323

Issued to Govt 12 Augt/72

p 15/6

Office of the Controller of
Public Works Accounts
Fort Saint George, 20th August 1872.

No. 1093

From,
The Offg. Controller of P.W. Accounts,
To,
The Secretary to Government,
Public Works Department,
Fort Saint George.

Sir,

With reference to your endorsement on the accompanying papers from the Superintending Engineer of the 8th Division, I have the honor to state that under the orders of Government communicated in Proceedings Nos. 482 and 1141 of the 17th February and 22nd April 1871,

mileage

mileage is admissible to the Executive Officers of the Department only for such journeys exceeding 20 miles per day as may be made under exceptional circum-stances, or under the most urgent necessity.—

2. The three claims now preferred by Captain Pennycuick were disallowed by the Superintending Engineer of the 8th Division, prior to the submission of the bills to this Office, and the former Officer is mistaken in supposing that his claim to mileage for the 2nd June 1872 was objected to by the Controller

Controller.— Had the charges been approved by the Superin=
=tending Engineer and the bills transmitted with in=
=formation, similar to that now supplied by Captain Pennycuick, of the necessity of each journey, mileage for the 25th May and 2nd June would have been passed as the forced march on the former date appears to have been un=
=dertaken under exception=
=al circumstances, and there seems to have been an urgent necessity for that made on the latter date.—

3. The journey of the 27th May 1872, appears to have

have been of an ordinary cha=
=racter, and, having in view the ruling of Government that journeys undertaken for the purposes of ordinary inspections do not entitle to mileage, I am of opinion that Captain Pennycuick's claim for that date is inadmissible.—

Vide the two orders of Government quoted in para 1, and Nos 339 and 944 of the 29th January and 20th March 1866.—

4. I enclose for reference Captain Pennycuick's Inspection Reports for May and June 1872.—

5. Adverting to para 3 of Colonel Roberts' endorse=
=ment on Captain Pennycuick's letter, I have to observe that the action of this Office in accepting or disallowing claims

claims to travelling allowance or mileage is guided by the Rules and Orders of Govern-ment issued from time to time. When charges are dis-allowed which the Superin-tending Engineer considers should be passed, an ap-peal to Government is always open to that officer. Colonel Roberts' remark would seem to imply that the "cutting" was effected ac-cording to the personal views of the Controller while I may safely say that such is not the case.

I have the honor to be,
Sir,
Your most obedient Servant,

[illegible] Captn. R.E.
Offg. Controller of P.W. Accounts.

P. W. 1872 Depart.

No. 4061

~~From~~ Procs. of Govt. for Despatcher

The Offg. Controller of P.W. Accounts

To

The Secretary to Government Public Works Department Fort St. George.

Dated 20th } August 1872.

Recd. 24th }

No. 1093

Reporting on the letter from the Supg.: Engineer of the 8th Division regarding Captain Pennycuick's Supplemental travelling allowance bills for May and June 1872.

No. 3241

No. 2256 - 23rd Sept. /

Despd. to Audt. 21st Augt. /72

His Excellency the Governor in Council agrees with the Controller of P. W. Accounts that the claims made by Captn. Pennycuick for mileage on the 25 May and 2d June when journeys were made under exceptional Circumstances, were incorrectly disallowed by the Superintending Engineer; but that his objection to pass mileage on the 27 May for a journey over 20 Miles, made under ordinary Cir-circumstances, was founded

I would pass all 3 days.

JDS

AA

upon a Correct apprehension
of the ruling of Government
as to the spirit in which
No IV of the Travelling Al-
lowance Rules is to be
interpreted. And he doubts
not that Captn Pennycuick
will submit to be guided
by their ruling, which is
for the benefit of the public
service generally, though it
may appear to bear hardly
on particular cases.

The Governor in
Council does not consider feels confident
that the 3 Para of Lt.
Col. Roberts' Indorsement
was meant to convey
the imputation which seems
to have been felt by the

I would omit the preceding last note. I think neither LOS

AJA.

Controller – While Lt Col Roberts will himself see from the Controller's letter how ill founded was his apprehension that almost any mileage he might pass would be sure to be cut by the Controller.

G.W.W.

To

S E & Dn

Controller

Capt Pierregrands Claim to Mileage

No. 2256. P.W.D.

Pro. of the Madras Govt.

Read the following

from the Supe Engr 8th Dn (P.E. No 2283 d/ 8 Aug/72)

" Controller, P.W. Acts (" " 1093 d/ 20 ")

A/A.

J.D.S.

His Excellency the Governor in Council remarks that it was under a misconception of the spirit of former rulings, as pointed out by the Controller, that the Superintending Engr 8th Dn disallowed Captain Pennycuick's claim for mileage on 2 out of the 3 occasions in question

~~And though the~~
Controller is doubtful
as ~~to the~~ third, His
Excellency is of opinion
~~that it~~ may also
be passed —
And to obviate
further controversy
on this subject he
directs, in supercession
of all former rulings
on this subject, ~~that~~
all claims for mileage
be passed by the
Controller on certificate
from Superintending
or District Engineers
that they have examined

21/ 10

into each claim

and are satisfied

~~that~~ the journey has

been ~~necessary~~ performed for the on

benefit of the public service ~~public grounds~~ —

GMW

165—
—
11

130 S. Engrs 8th Div /
All other Sub^{s.} Engineers /
13 Contr. Ver ~~Sixty four~~ Encls. /
2 Major Kennedy /
All other S. Engrs
Major Kennedy

Ackd. 30/9/72

Capt Pennycuick's c
for mileage

Passed

C No 4061

Govt. of {1872} Madras.

PUBLIC WORKS.

To The Superintending Engineer 8th Division

Dated

Recd.

Encl. 1

G. O. 23rd Sept. No. 2256.

Nos. 323 @ 325

Capt. Pennycuick R.E.

Passing orders on the claim of Capt. Pennycuick, Ex. Engr., Dindigul Range, to mileage.